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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 CURTIS LEE HENDERSON,)
12 Plaintiff(s),) No. C 07-2838 SBA (BZ)
13 v.)
14 J. PETERSON, et al.,) ORDER RE IN CAMERA REVIEW
15 Defendant(s).)
16 _____)

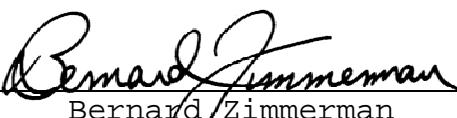
17 Based on the stipulation reached by the parties, Judge
18 Armstrong referred to me the in camera review of the documents
19 submitted by defendants in response to the following document
20 requests from plaintiff: (1) "[a]ll complaints against
21 Defendants concerning the use of force, excessive force, and
22 failure to intervene and all documents concerning such
23 complaints, including any documents adjudicating or resolving
24 such complaints;" and (2) "[a]ll documents concerning any
25 grievance, complaint, or appeal concerning the incident,
26 including any documents resolving or adjudicating such
grievances, complaints or appeals." Docket No. 149 at 1-2.

27 Defendants have submitted the following documents for
28

1 review: (1) the Use of Force Investigation, number IR# B05-06-
2 08-0328 (which is the internal investigation regarding the
3 incident); and (2) the Employee Performance sections of the
4 personnel files of James Peterson, Clay Speaker, Michael
5 Bullock, Jeffrey McBride, Glenn Kelley, and David Christ.
6 With respect to plaintiff's request for documents relating to
7 the incident, I find that the Use of Force Investigation is
8 responsive to plaintiff's request. There is no confidential
9 information in the Use of Force Investigation that would not
10 be adequately protected by the parties' protective order.
11 Furthermore, I find that there are no complaints against
12 defendants concerning force, excessive force, and failure to
13 intervene in the Employee Performance sections of defendants'
14 personnel files.

15 **IT IS THEREFORE ORDERED** that defendants produce the Use
16 of Force Investigation, number IR# B05-06-08-0328 to plaintiff
17 by **Monday, March 28, 2011** under the terms of the parties'
18 protective order.

19 Dated: March 24, 2011

20 
21 Bernard Zimmerman
22 United States Magistrate Judge

23 G:\BZALL\-\REFS\HENDERSON (R&R)\ORDER RE DEFENDANTS' PERSONNEL FILES AND
INTERNAL INVESTIGATION DOCS.BR VERSION.wpd

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